

December 1, 2016

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U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
mg

Dear clerk of the federal court.

Please file this in case 1:16-mc-119 immediately and without delay. Also make and keep copies for the clerks and for Maloney and deliver to each.

Additionally, please mail or email a file stamped copy of this and the other document sent to you on this same day to me at the following email address to prove that you have received it and that you have filed it, them.

Thank you!



Ted Visner

856 W Cody Estey Rd  
Pinconning, MI 48650  
(989) 954-2814

[MIJusticeLeague@gmail.com](mailto:MIJusticeLeague@gmail.com)

December 1, 2016

Date

**UNITED STATES DISTRICT COURT  
IN THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Theodore Visner / man	)	
People of the State of Michigan	)	No. 1:16-mc-119
Plaintiff/Claimant	)	
Prosecutor	)	Paul L. Maloney (P25194)
v.	)	
	)	
	)	
Edward Winkler / man,	)	<b>ANSWER &amp; REBUTTAL</b>
Paul L. Maloney / man,	)	<b>TO NEW DEFENDANT</b>
Jane & John Doe's from Pinnacle	)	<b>PAUL L. MALONEY</b>
Defendants	)	
	)	
	)	

**ANSWER AND REBUTTAL**

1. Paul Maloney has taken it upon himself to make false allegations in a new claim against Theodore Visner in his so-called order dated November 28, 2016 that are both scandalous, treacherous as well as intentionally misleading.

Paul claims that Visner alleged that "his house" was sold at a Sheriff Sale and Visner NEVER made this claim and this claim is rebutted as being a direct lie intended for later use. To clarify, Visner has always referred to the Real Property at the heart of these claims as "his family's house or home".

Visner has filed this criminal claim against Edward Winkler as a direct witness to Winkler's crimes. This court, through Paul Maloney is attempting to convert this criminal filing into a civil filing where he already knows that the property itself was in fact deeded to Visner's wife, Kathy Smith, and not Visner himself. As Visner was not the deeded owner of the property in question, Visner would have a massively more difficult time proceeding in any civil action regarding this particular property.

2. Paul's next claim against Visner quoted below.

*"Then, in April 2010, he was evicted by the Kent County Sheriff,  
who was acting at Defendant Winkler's request."*

This sentence is NOT connected to the previous sentence and is a group of untruthful assertions made entirely by Paul Maloney. These assertions are direct lies that attempts to make the reader believe that Visner had stated this in his criminal claims against Edward Winkler when Visner did NOT.

Visner never made this claim and never would. The only part the Kent County Sheriff Department played in these events was the in manufacturing of the counterfeit deed used by Winkler to steal our home on April 15, 2010. The only police that were involved were from the City of East Grand Rapids and NOT the Sheriff Department.

This entire sentence has a total of three different and distinct lies within it.

1. Visner has never been evicted from any property anywhere ever.
2. The Kent County Sheriff Department did NOT evict.
3. As there was no eviction, the Kent County Sheriff Department was not acting at Winkler's request and never assisted with any eviction as there never was an eviction related to this property, these parties and this action.

Evictions are a result of court proceedings to evict and no proceedings ever took place to evict with regard to this property and these parties. In fact, the claim itself makes clear that Winkler intentionally circumvented eviction proceedings all together in direct and intentional violation of Michigan's Anti Lock-Out law MCL 600.2918 which has automatic treble damages.

3. Paul's order suggests that People are unable to prosecute their own suits in direct and intentional violation of Article 1 § 13 of Michigan's Constitution. Just because Paul works for the federal government does not allow him to circumvent our state's Constitution! This claim, notion and/or theory is hereby rebutted and rejected.
4. Additionally Paul suggests that unless the government is willing to prosecute the government there is no way to prosecute the government for their crimes. If this were true, this would define insanity.

The government works for the people and is subservient to the People. Any claim made that would suggest that only the government can prosecute the government would and does allow for government crime to run rampant and is purely seditious in nature.

Imagine every criminal being allowed to make a claim that they can not be prosecuted but only by their fellow criminals. This claim, notion and/or theory is hereby rebutted and rejected in total.

Paul's so-called order is rejected and rebutted in its entirety. Its creation and use is and was intended to paint a very wrong and intentionally misleading picture. It is both scandalous and defaming. I am both shocked and appalled that this kind of CRAP is allowed to go on in the courts of my country!

Drafted by Theodore Visner and mailed to the court for filing on December 1, 2016 in case no. 1:16-mc-119.



Theodore Visner  
856 W Cody Estey Rd  
Pinconning, MI 48650  
(989) 954-2814

12-1-16  
Date

~~ANSWER~~ PAGE 1 of 3

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WRONG THEODORE VISNER, WRONG Plaintiff, ) ) No. 1:16-mc-119  
-v- ) ) WRONG Honorable Paul L. Maloney  
EDWARD WINKLER, )  
Defendant. )

## ORDER

## TRUTH

#### **ALIE / DENY**

Theodore Visner filed this lawsuit on November 16, 2016. Visner alleges that his

## ALIE / DENY

house was sold at a sheriff's sale in March 2010. Then, in April 2010, he was evicted by the

A LIE / DENY A LIE / DENY  
Kent County Sheriff, who was acting at Defendant Edward Winkler's request. The case was

**TRUTH**

assigned a number from the Court's miscellaneous docket.

## **LEGAL ADVICE**

~~EX-14~~ Upon review of the complaint, the use of the miscellaneous docket was inappropriate.

Federal district courts generally categorize cases as criminal actions (CR), civil actions (CV), or miscellaneous actions (MC). Each category has its own series of case numbers. In federal

court, the United States Government prosecutes criminal cases. See *United States v. Nixon*,

~~416 U.S. 665, 678 (1974) (holding that the Executive Branch has the exclusive authority to decide whether or not to prosecute a case). Private citizens have no authority to initiate a~~

federal criminal proceeding. *Holland v. O'Hair*, 145 F.3d 1331 (6th Cir. Mar. 26, 1998)

<sup>10</sup> *WTF?!* (unpublished table opinion). *Accord, Kevler v. 535 Members of the 110th Congress*, 977

F.App'x 825, 827 (10th Cir. 2008); *Cole v. Cosentino*, 826 F.2d 1, 2 (1st Cir. 1989). Civil

LEGAL ADVICE

~~Actions are lawsuits, other than criminal proceedings, brought to enforce, redress, or protect~~

## ANSWER Page 1 of 3

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private rights. See *Kelso v. Noble*, 162 F.3d 1161 (6th Cir. Aug. 19, 1998) (unpublished duh... this is a criminal action filed the only way table opinion). For federal courts, the miscellaneous designation is for proceedings that do possible... not otherwise qualify as civil actions. *Green v. Cosby*, -F.Supp.3d-, 2016 WL 6135576, at

\*1 n.1 (E.D. Pa. Oct. 21, 2016). The filing fee for civil action is \$400, while the filing fee for miscellaneous proceedings is only \$46.

more legal advice  
Visner's complaint constitutes a civil proceeding. Visner asserts that he is bringing both criminal and civil claims. (Compl. ¶ 9.) more legal advice Visner cannot bring criminal charges against Winkler. Visner states that he brings claims under 18 U.S.C. § 241 and 242, which are federal criminal conspiracy statutes. But, neither § 241 nor § 242 creates a private right of action that authorizes a lawsuit by a private citizen. *United States v. Oguju*, 76 F.App'x 579, 581 (6th Cir. 2003); *Cok*, 876 F.2d at 2. And the complaint is not the sort of proceeding typically but NOT exclusively and/or always that is typically assigned a number on the miscellaneous docket. By way of example, the

more legal advice  
miscellaneous category is used for proceedings like applications for writs, reinstatement or disbarment proceedings, subpoenas from foreign jurisdictions, grand jury matters, letters of rogatory, registrations of judgment for other districts, and receiverships. Visner complaint is a civil action against Winkler.

Why is this so-called federal court judge forcing his legal advice on me? I don't want or need his advice and I reject it as a trespass! Why is this so-called federal court judge representing and defending fellow State BAR of Michigan member Edward Winkler? Notice of appearance never filed by Maloney. Why am I caught up in the adversarial process with someone claiming to be the judge? Shouldn't these arguments be brought by Winkler or Winkler's legal counsel rather than the fed court judge who is SUPPOSED to be unbiased? I would have to imagine that finding counsel is VERY difficult for Winkler and Maloney is being forced to act in that capacity.

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an order to TRESPASS (a crime)

Accordingly, the Clerk shall convert this proceeding to a civil action by assigning the case a civil docket number and opening a new civil action. After the new civil action is opened, the Clerk shall close this miscellaneous proceeding, 1:16-me-119. Finally, Visner Attempted Extortion! Extortion Demand must pay the full amount for opening a civil case. Visner must pay the remaining \$354 by Monday, December 12, 2016. Alternatively, by the same date, Visner may file an application to proceed *in forma pauperis*. If Visner does not pay the remaining fee or file the application by the deadline, this matter will be terminated. IT IS SO ORDERED.

Date: November 28, 2016

/s/ Paul L. Maloney

Paul L. Maloney  
United States District Judge

So-called judge Maloney is ordering the clerk to commit the crime of trespass on my criminal claim/action against Edward Winkler and at the same time ordering me to pay an extortion.

ALL WHILE WORKING TO DEFEND EDWARD WINKLER!

This court and this so-called judge is expecting everyone to believe that the People can not prosecute their suits in the courts of this state in direct violation of Michigan's Constitution, Article 1 § 13!

**§ 13 Conduct of suits in person or by counsel.**

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

IN ANSWER TO MALONEY'S CLAIMS AND STATEMENTS.

3

  
Theodore Visner

12-1-16  
DATE

**MI Justice League**  
856 W Cody Estey Rd  
Pinconning, MI 48650

OFFICIAL BUSINESS



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